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MEMORIAL

ON THE SUBJECT OF THE SCHOOL LAWS OF UPPER CANADA.

From the Bathurst District Council to the Honorable the Legislative Assembly of Canada in Parliament Assembled.

The remarkable difference of opinion respecting the Machinery and operation of the Common School system of this Section of Canada, which certain Circulars from certain District Councils, and the articles contained in the first number of "The Journal of Education for Upper Canada" exhibit, demonstrate the truth of Dr. Ryerson's saying, in one of those articles, that "On no subject is it more easy to speculate, and on no subject is it more difficult to legislate, than on that of Common Schools." Nevertheless, the District Council of the Bathurst District are persuaded, that an expression of opinion on the subject, by all who have given to it considerable attention, will (however much the expressions may conflict) greatly assist to throw light on it,—and light too that will suggest how the system may be amended and be made to work satisfactorily and efficiently.

If legislation for purposes of education, is to have an object beyond the mere *passing* of what is designated, "*a School Law*," or that will be worthy of the approval of the country,—that object, (the Bathurst District Council are of opinion,) must be *the putting of the means of education within the reach of every class in community*. The poor, and those who, because of their being too few, are unable to support Schools in their neighborhoods, should, *before all other classes*, be those for whom the Legislature ought to provide means of education. The overlooking of this seems to have been the principal cause why the School Laws which have been in operation in Upper Canada, have all failed to effect any considerable improvement in the state of education, excepting among the inhabitants of a very few places more enterprizing than others, and greatly in advance of the legislation against which they have had to contend. The truth is, had the rule been, "Whosoever hath, *to him* shall be given, and *he* shall have more abundance; but whosoever hath *not*, from *him* shall be taken away *even that which he hath*,," laws could not have been made that would have more certainly excluded from the possibility of availing themselves of the means of education, the classes who most needed them.

A glance at the principles on which, under our various school laws, the Legislative Grants for purposes of education have been distributed, will show how ill calculated the various provisions of Law for the promotion of education, have been to effect the object for which they were enacted.

Under the School Law which a Memorial addressed to your Honorable Body, by the Gore Dtstrict Council, says "*operated more efficiently and gave more general satisfaction than any since substituted*,"—the provision was, that no school could share in the public appropriation for the maintenance of schools, unless the Trustees of it had certified, that the *average* number of Scholars which had, during six months, attended it, *exceeded twenty*. In two ways that provision operated *against* the promotion of the object which it was enacted to promote. *First*, it prevented persons who really needed assistance to support a school from sharing in the public appropriation; because there were then, as there are now, (and, as in new countries, there will ever be,) many places in which half the average attendance required could not be secured; and in such places, education, was altogether neglected—nevertheless, such places were then,

and still are, the places most fitting the legislature to provide for them the means of education.

The other way in which the provision hindered the promotion of education, is, that it allowed every one to share in the appropriation, *who chose to call himself a Schoolmaster*, and procured three persons to be his Trustees and to certify, that he had "during a period of six months taught a school" in their neighbourhood, "demeaned himself to *their* satisfaction," and "that the average number of his scholars had exceeded twenty." By such means the thinly inhabited portions of the Province were precluded from having schools; while, in thickly populated neighbourhoods, *several* schools were generally in operation *where one only should have been tolerated.*

It is true that there was "*general satisfaction*;" but the satisfaction was not caused by the people's knowing that their children were *well*-instructed; but by their being permitted to have more Schools than men who have studied the economy of education know will ever improve any peoples' social condition, or their intelligence, or their fitness to be intrusted with the exercise of such rights and the discharge of such duties as now belongs to the people of Canada.

"The Commissioner Act," so called, similarly precluded the inhabitants of thinly settled neighbourhoods from the possibility of availing themselves of the benefit to be derived from legislative grants for the support of schools; and the law which followed, *did worse*,—for it not only made no provision for that class's being enabled to establish Schools, but it heavily taxed them, and took the tax and gave it to the thickly populated neighbourhoods, in which Schools might have been well supported by the ample means which the usual fees for Scholars would have produced!

The present School Law similarly (*but in greater degree than any of its predecessors*) hinders the promotion of what ought to be the object of legislation for School purposes; because it robs those who, *from very poverty*, have, *at no time*, been able to support Schools in their neighbourhood, and hands over what is taken from them, to maintain schools for those who, without any assistance, and without any interference of government in their School affairs would be prompted, by a desire to emulate each other, to support better Schools than at this time exist any where in Canada.

To understand rightly the great injustice which it does to many Sections of the country, and the great extent to which the interests of education are being injured, your Honorable Body will refer to clause *First*, Section second of the School Law 9th Victoria, cap. 20, and to clause *second* of the *thirteenth* Section of the same,—where you will see, that the distribution of moneys for the support of Schools, must, in all cases be, not according to people's *need* of assistance,—(which is the "*true* principle" of distribution of whatever is called "*assistance*," but is destributed according to population —just as if provision for public instruction must necessarily be furnished to communities on the same principle that we would furnish food or clothing for an army.

The injustice of the provision just referred to, is very clearly established by a report made to the Bathurst District Council, at its present Session, by the District Superintendent, by which appears that the Legislative grant to the township of Westmeath for 1847, was £5 1s 0½d, and the amount assessed on that township £32 3s 8d. Supposing that the District Fund be distributed, (as it evidently must be) according to the ratio of distribution which gave £5 1s 0½d, against £32 3s 8d, Westmeath, which is a *new township,—thinly settled,—and* consequently, *hardly able to maintain Schools*,—will be robbed of upwards of £20; for supposing the assessment to be not more than the Legislative Grant, the sum which it will receive will be only £10 2s 1d, proving its loss, under the operation of our School System, to be just £22 1s 7d!!!

Similar results are presented as regards other new townships; and, great as the en-

ormity so presented is, a still greater is often presented in the subdistribution to School Sections. To make this plain, we will suppose that Westmeath is divided into two School Sections,—we will not say that it does not comprise more,—and we will suppose, that one of these pays £20, as its share of an assessment of £30, and that the other Section pays, £10 of it. The cause of this difference we know to be, that the one extends over a larger number of lots than the other, or has within it a larger amount of rateable property. But in the one which pays the larger sum, there are but 20 children that are over five and under 16 years of age, while in the one which pays the smaller sum, there are 30. The School Fund returned to the township will be,according to the ratio of the above mentioned loss which we have shewn to be caused by constituting a "District Fund, say £10 of this sum,consequently, the Section which pays *twenty pounds* assessment will receive just *four* pounds from the *District Fund*," —which is only one fifth of the means which it would have had, had its inhabitants but known enough not to come under the provision of the School Law!!!

On the principle that distribution according to population is correct,—which for the sake of exposition only is to be admitted,—the injustice done in thickly populated neighbourhoods, is not less striking. For instance, there were in School Section No. 3 of the township of Drummond, in a certain year, 98 children, each, of course, entitling the Section to *one* share of the township fund. In another there were 59 children, each likewise entitling its Section to receive one share. In the former section 38 children attended school; in the latter 41. Now granting the principle to be correct, that the teacher should have been paid according to the numbers which they respectively taught which we assume for the present purpose of exposition—Reason was, that the School which the 41 had attended, should have received the larger share of the School fund; but the School law provided, that the one which the 38 attended should receive the larger share, because there were in the Section in which it was located, the larger number of resident children. Now had the larger number all attended the School, and paid but the same fees that are usually paid at our Common Schools, a School could have been maintained in this larger Section without the necessity of apportioning any of the Legislative grant for its maintenance; and the sum paid to it, which was £25 9s 10d, might have been apportioned among sections which really needed assistance.

A still more glaring contrast is presented to us, when we compare, not only the amounts paid, together with the numbers that attended Schools, but compare them together with the period during which the Schools were in operation. For instance, in the township last above alluded to, there were, in one School Section, 65 children attending a School which was kept open *twelve* months, and received £19 4s 11½d; whereas the School above mentioned which received £25 9s 10d, and in which 38 children only were taught, was kept open only *eight* months. State therefore the question so that it shall be, "If a teacher for instructing 38 scholars during a period of 8 months receive £25 9s 10d, what ought another teacher to receive who has taught 65 scholars during a period of 12 months?—and the injustice (i. e. assuming the principle of distributing the fund according to numbers to be correct) is truly monstrous.

We must observe, however, that, according to right principles of economy, the principle which we, in detecting such enormity, assume to be correct, is not the "*true* and only principle of providing for the education of the entire population of a country," —and we might advert to several other principles of distribution which, by the advocates of them, are said to be the best, that would operate quite as unjustly and injuriously as those to which we have adverted,—but time, at this late period of our Session, warrants not that we say more on this head, excepting that it does appear to us, that

no means would be so efficient, as that which would establish Schools at convenient distances throughout the Province, do away with rate-paying, *and leave to every man to choose the school to which he would send his children to be taught.*

One thing very obvious is, that the part of our School system which confines people within the limits of certain lots, does not give satisfaction; and experience seems but to establish the more, that satisfaction it never will give: because, establish boundaries as we may, there will against a system which limits one's freedom always be a something which will not be satisfied till full freedom be attained. Therefore, the Bathurst District Council are of opinion that the School Section system should be discontinued. But, if it is to be continued, their opinion is, that Municipal Councils ought to be empowered not only to fix, or alter, or amend the boundaries of School Sections, but also to fix or change the locations of Schools and School Houses, as they shall deem expedient; and to authorize the sale of School property in cases wherein the changing of the location of schools shall become necessary; otherwise the system will continue to be unjust and oppressive, and greatly injurious to good neighbourhood, the promotion of education, and the best interests in general of community.

As facts illustrative of the meaning of what is before your Honorable Body, will best shew the injustice, oppressiveness, and injuriousness of the system, we submit, that, when power was given to District Councils to unite portions of the adjoining townships, for the purpose of forming convenient Schoool Sections, a portion of the township of Drummond was, at the request of the inhabitants of it, attached to a School Section in the township of Bathurst, the trustees of which had pledged themselves to build a new School house in a central and convenient position for the accommodation of the inhabitants of both Sections. Notwithstanding this, the trustees did not remove the School to the position they had agreed to remove it,—the District Council had not power to compel them to remove it,—and the consequence was, that though not a scholar from Drummond attended the School, the teacher of the Bathurst Section legally claimed, and was paid, *for the Drummond Section*, £5 4s 0½d!

So was it as regards another portion of Drummond that was attached to Lanark. Out of 35 children residing in Drummond, only 3 attended the School, which was in Lanark, and the other children (32 in number) were without means of education. Nevertheless, in this case, as in the above, the full apportionment of School moneys for the Drummond Section, viz. £9 2s 1d, was paid to the teacher of the Lanark School. Such instances of wrong imperatively call upon your Honorable Body to amend the system; and gross as the wrong set forth in the above must appear, greater instances of wrong would, we are persuaded, be found to exist had we means of knowing to its full extent, how much is lost to the people of Sections in which the School is located at the farther end of the Sections,—or in townships in which but one or at most two Schools are in operation, compelling people to pay for the support of Schools to which they do not (*and never can*) send a child.

The Bathurst District Council are of opinion, that the whole details of the system should be in the hands of the District Councils, under some provision of the Legislature which would constitute District Councils Boards of Education for their District, with power to transact for their District (under certain responsibilities to the Executive and Legislature,) all that is now transacted at an enormous expense, and most inefficiently and unsatisfactorily, by the Board of Education and the Education Office at Toronto.

The Bathurst District Council are, nevertheless, not of opinion, that (as prayed for in the Memorial of the Gore District Council,) the "transforming of the duties performed by Distrsct Superintendents to District Clerks," would improve the system; for it does not appear to us that any system will work out any desirable results *unless it*

under a complete and efficient supervision. Not a supervision enthroned a To ron- issuing its bulletin respecting what it can have no proper understanding, and crea- g dissatisfaction, strife and disaffection in neighbourhoods which formerly were re- irkably united and peaceable—but a *local, itinerant* supervision that hould ex- id to *every* school section, and to *portions of our country that are without schools* and thout any means of education, and that would labour to dissipate the stolid indifference hich paralyzes our community, arousing, enlightening and enlisting public sentiment in e work of elementry insruction, by systematic and periodical appeals to the inhabitants each section, in the form of lectures, addresses,"—aye, and *visits to their firsides*, when blic visits will have failed to bring up the inhabitants to hear and be instructed, and made workers in this glorious and all important enterprise ; and the Bathurst District ouncil are persuaded, that it is because the defective provisions of our school laws have evented District Councils from exacting of District Superintendents such supervision is implied in the above, that the several Districts of the Province have received not lequate benefit from the services of Superintendents.

Let the office be not what it has been, a *Sham*—but cause it to produce as it does in e State of N. York, "a thorough supervision of our schools, as well in reference to their *in- rnal management*, as to their *external details;* cause it to unite all our schools into ie system and to furnish each with the means of attaining the highest standard of ractical excellence, by communicating to each, every improvement discovered or sug- ested in every one or any of the others, so making the advancement of each the am- tion of all,"—and let no man be appointed to be a Superintendent who shall not be roperly qualified for the discharge of the duties of the function,—but let the Superin- ndent possess competent knowledge, be familiary acquainted with the modern improve- ients in elementary instruction, and be known to be earnestly intent on elevating the ondition of our common schools, and the office of District Superintendant will most ssuredly be found to be equal to any means—aye, equal to all other means put to- ether, in promotingt he educational interests of our country, such it has been found to e in the neighbouring state of New York, and such, under similar provisions of w, and under the direction and control of District Councils, when constituted Local oards of Education, it may be made in Canada.

A principal reason why District Councils ought to be constituted Boards of Edu- ation, is, that the same provisions of law invariably produce opposite effects, in thinly opulated neighbourhoods, to what they produce in thickly populatad neighbourhoods ; hich we have attempted to exhibit in the remarks introductory to the subject of this ldress. Different provisions of law therefore, must be made for each class of Dis- icts ; and the Bathurst District Council are of opinion that District Councils, re- esenting as they do the several sections of their districts, and familiary acquainted s they may be supposed to be with the circumstances of every section,—are unquestion- bly bodies competent to best legislate for the carrying out the details of any system Education which your Honorable Body may establish.

The Bathurst District Council heartily concur in almost every line and word of e Address of the Home District Council to your Honorable Body ; and would add that ot only denominational schools, as respects cities and incorporated Towns, should be ssallowed, but the provision which authorises the establishing of seperate schools *un- r any circumstances* be expunged from our school law ; for all such provisions are ely inimical to the best interests of of the country, being calculated to foster a spirit sectarian animosity, which we cannot but deprecate, and which we earnestly pray ur Honorable Body by wise means to discountenance and suppress.

The Bathurst District Council are of opinion that the duties of Trustees under the

present school law, are far too complicated, and the responsibilities, liabilities, and
of adequate protection involved in the discharging of those duties, far too great.
provision simply constituting the office and empowering District Councils to deter
the details, would, for the reason already assigned in this Memorial, be more efficie
the promotion of education than any other ; for, in this way, the office would be n
responsible to the Councils, and whatever in the regulations which the Council woul
sue, would be found not to answer the purpose of promoting Education could (and
doubt, would,) be certainly and readily detected and amended.

Whatever provisions your Honorable Body will enact the Bathurst District Cou
trust they will be "*simple*" and such as will "remedy the existing evils," secure
hearty co-operation of the people, the blessings of education to the rising genera
and some degree of stability in the Educational institutions of the Country."

Address to the Legislature Reported and Adopted by the Education Committee of Home District Council.

The District Council of the Home District, beg respectfully to submit to y
Honorable House the views which they entertain respecting some of the defects of
Common School Law, now in operation, and to suggest what appears to them the
means of remedying those defects. That the present Common School Act has fai
and from its character must fail, to give satisfaction to the inhabitants of this Provi
and that something must yet be done to render it more perfect, and promote the ob
for which it was intended, is deeply felt and generally admitted.

The Home District Council cannot but regret that such repeated legislation sh
be required to frame a proper school law, and are averse to frequent changes in
educational institutions of the country, but they have also to regret the necessity
demands those changes, and that measures have not been adopted by the Legisla
of such a character, in their principles and details, as to meet with general approba
and promote an efficient, well organized system of Common School Education.

The Home District Council especially object to that prominent feature in the
isting School Act which runs throughout the whole—the concentration of so m
power upon one individual—the Chief Superintendent of Schools, that officer b
the nominee of the Governor, and in no way responsible to the people. They sub
that any enactment which places so much power in the hands of an officer over wi
the people have no controul directly, or indirectly, either in making the appointm
or with regard to the manner in which that power is exercised, and the duties of
office discharged, is not congenial to the feeling of a free people, nor compatible
the Institutions of a free country. They cannot but observe that whilst a "Board
Education" has been formed for the purpose of giving advice upon School affairs, t
power is placed in abject subordination to the "Chief Superintendent of Schools,"
it is left discretionary with him, by the Act of Parliament, to consult them or not u
any Educational question, as his inclination or caprice may dictate, and be guided
not, in his decisions, by their advice. They have the power, it is true, of regula
the Normal School, and selecting the books to be used in Schools, but here their aut
ity ends. The Home District Council express it as their decided opinion that a
perly constituted Board of Education should be the highest power in the administra
of School affairs, as it is in all countries where such a Board exists, and should not
placed in the humiliating position in which the members of the Canadian Board

emselves to be placed: and the Council would respectfully suggest to your hon-
House, that, among the changes which are imperatively called for by the Coun-
rovisions may be made for the appointment of a competent Board of Education,
hall with the assistance of a Secretary if necessary, transact the business which
levolves upon the Chief Superintendant of Schools: thus securing the efficient dis-
e of the duties of the office, effecting a considerable saving to the Country, and
all things, liberalizing the provisions of the School Act, so as to render it compa-
vith the condition of a free people.

The Home District Council are of opinion that in remodeling the School Act, the
gement which combines the disbursement of monies to such a large extent, and
spection of Schools, in the duties of the District Superintendant, should be avoid-
hese duties being to a great extent incompatible in their nature, and, in the lar-
istricts so onerous, as to render it entirely out of the power of any one officer pro-
to discharge them all. And the inconvenience experienced by Teachers, who
e at the distance of fifty or sixty miles is under the present system, so great as to
r some change absolutely necessary. The Council therefore would respectfully
it that for these and other reasons, the District Councils should be allowed to
de such officers in the several Townships for distributing the School fund among
hers, and for the performance of what other duties that body might see fit to im-
as the exigencies of the public service might from time to time require.

The Council would beg to direct the attention of your Hon. House to the defective
e of the provisions made in the law for fixing and arranging the School Sections
e several townships. By the present law, that duty is placed in the District Coun-
n Council assembled. The Home District Council have found it absolutely ne-
ry, from the great amount of labour, and waste of time that this provision of the
te would occasion, and in order to carry out the object and intention of the Act, to
gate their powers, in this particular, to the Councillors residing in the respective
ships, a proceeding the legality of which has been questioned; and they are of
on that this and similar duties should rather be performed by some officer residing
e several townships, appointed by them, acting under their controul, and subject to
directions.

The Council, after twelve months experience of the working of the present School
are led to the conclusion that the provision made in the law for the local super-
n of Schools, through the agency of "Boards of Visitors," composed of Clergymen
l denominations, Justices of the Peace of all sects, and Disrtict Councillors, is not
ulated to act beneficially upon the condition of Schools, or meet the object contem-
ed by the framers of the Act; and when the powers conferred upon these Board of
ors are considered—that of granting certificates of qualification to Teachers, and
ving advice authoritatively upon educational matters—the Council is of opinion
the whole arrangement is something worse than a cumbersome and useless piece
gislation. The Boards of Visitors in the Home District, feeling convinced that the
ols will be managed quite as well without their interference, have not generally ex-
sed their privileges, and left the schools to take care of themselves.

The Council would beg respectfully to point out what appears a great defect in
part of the existing law which furnishes Trustees with the power of raising means
epairing and furnishing School Houses &c. The law authorises the parents of those
lren only who are actually attending school to be rated for these purposes; so that
ay, and often does happen, that a small portion of the inhabitants of a School Sec-
are heavily taxed for the benefit of the whole—a grievance which ought in the op-
n of this Council to be speedily remedied.

The Home District Council cannot but express the opinion that the recent l
lation upon the subject of Common School education has a tendency to open up the
for the introduction and establishment of sectional or denominational schools. Tl
very clearly manifested in the legislative enactment for the regulation of Educatio
Cities and incorporated Towns, and the Council cannot help expressing the stron
disapproval of any measures which may authorise or sanction the establishmer
Schools, supported by the public funds, intended for any one denomination to the
clusion of others. The Home District Council would regard such legislation as inim
to the best interests of the country, being calculated to foster in Canada that spiri
sectarian animosity and discord which unhappily prevails in other parts of the w
and would humbly suggest that every wise means should be adopted to prevent the
sibility of such a result.

The Home District Council is of opinion that every law that has yet been ena
in this country upon the subject of Education has been too complicated in its ma
chry, and that any law to work well must be harmonious in all its parts, and simp
all its details, and they trust that such means may be taken to remedy existing e
and improve the law as will secure the hearty co-operation of the people, the bless
of a good education to the rising generation, and some degree of stability in the Ed
tional Institutions of the Country.